Remarks

The present response is to the Office Action mailed in the above referenced case on July 13, 2004. Claims 1-10 are presented below for examination. Referring to the instant Office Action, the Examiner has raised numerous objections to the claims and specifications as outlined in items 2-19 of the Examiner's report.

Regarding item 2, please replace the title of the invention with the following:

--Method and Apparatus for Setup and Configuration of a Network Appliance for Network Access and Operation--

Regarding item 3, please replace the section in the specification entitled "Cross Reference to Related Documents in the Specification" with the following:

-- This patent application is a divisional of co-pending application serial number 09/733,777, filed 12/08/2000 titled METHOD AND APPARATUS FOR CONFIGURATION OF AN INTERNET APPLIANCE, now United States Patent U.S. 6,662,169 B2, which is a divisional of co-pending application serial number 09/175,871, filed 10/19/1998 titled METHOD AND APPARATUS FOR CONFIGURATION OF AN INTERNET APPLIANCE, now United States Patent U.S. 6,161,133, each of which are incorporated herein in their entirety by reference--

Regarding item 4, please replace the last paragraph beginning on page 1 and continuing to page 2, with the following:

--For purposes of nomenclature and definition, the inventors wish to distinguish clearly between what might be called conventional telephony, which is the telephone service enjoyed by nearly all citizens through local telephone companies and several long-distance telephone network providers, and what has been described herein as computer-simulated telephony or data-network telephony (DNT). The conventional system, connection-oriented switched telephony (COST), is familiar to nearly all, and is the system most people have installed in their homes, through which they typically communicate with the outside world. In this system calls are made by dedicated connection, and are switched by dedicated connections.--

Regarding item 5, applicant has herein amended the language of the claims specified by the Examiner as containing the objectionable language, to enable clarity of reading for the Examiner.

Regarding item 6, applicant herein provides a proposed drawing correction for Fig. 1, depicting "Control Routines 29" as opposed to "Set-Up Applications 29", for clarity of reading for the Examiner.

Regarding item 7, applicant has carefully reviewed the claims and specification for typographical errors, and herein amends the claims and specification as necessary to overcome the Examiner's objections.

Regarding items 8-19, the Examiner has rejected the claims based on non-statutory and obviousness-type double patenting. In response, applicant herein provides a timely-filed terminal disclaimer, in conjunction with amendments herein made by applicant to the claims, to overcome both double patenting rejections.

The Examiner has rejected claims 1-10 under 35 U.S.C. 102(e) as being anticipated by Giordano, III et al. (U.S. 6,370,141 B1), hereinafter Giordano. In response, applicant herein slightly amends the language of the claims to distinguish unarguably over the prior art presented, and further presents arguments that not all of the limitations of applicant's claims as amended are anticipated by the prior art presented by the Examiner. Applicant points out and argues the key limitations in applicant's base claims, as amended, which clearly and unarguably distinguish applicant's invention over the prior art.

Applicant herein amends the language of claim 1 to specifically recite control routines <u>executing on the server</u> for configuring network appliances via the network connection. Applicant reproduces claim 1 below as amended for convenience.

Applicant's claim 1 as amended now recites:

1. (currently amended) A system for configuring network appliances, comprising:

a server having a connection to a network;

a data repository accessible by the server; and

control routines executing on the server for configuring said network appliances via said connection to said network;

wherein, upon receiving a request from a network appliance via the network connection, including information identifying an account to be used, the control routines consult the database for correct procedure, and interact with the appliance via the network connection to configure the appliance for network access and operation.

Applicant's independent claims 5 and 8 recite the network appliance and

method for configuring the network appliance in accordance with the limitations of claim 1 as amended, and are accordingly amended similarly.

Referring now to the Examiner's report, the Examiner has stated that Giordano taught applicant's system for configuring network appliances, comprising all of the limitations of applicant's base claims, including control routines ("functions", line 44, col. 3) for configuring network appliances via the network connection (lines 42-51, col. 3). However, applicant points out that that "functions", referred to in Giordano by the Examiner, do not pertain to control routines executing on the server, as is specifically recited in applicant's claims. The "functions", as are specifically described in the specification of Giordano, pertain to control functions of the telephone, not the network connected server, which configures the network appliance, as is taught in applicant's invention. The specification of Giordano, (beginning line 43, col. 3) specifically recites "for example, an Internet-compatible telephone has many settings within it that control functions of the telephone. Such settings include the telephone numbers for dialing into the ISP network, user names, profile information, local default pages, as well as settings for handling connecting and disconnecting, time outs, and special calling features related to the telephone portion of the appliance, such as call waiting and call forwarding. Applicant argues this teaching has nothing whatsoever to do with control routines functioning on the network connected server for configuring network appliances via the network connection, as is taught in applicant's specification, and now specifically recited in applicant's independent claims.

Further to the above, applicant points out that Giordano appears not to specifically teach or suggest that the network appliance connects itself to the Internet source, nor does Giordano appear to specifically teach including account information, as is also recited in applicant's claims. Giordano mentions (line 47, col. 3) the existence of a user name, among several other attributes of the

functions of the telephone device, but does not specifically teach or suggest that, upon the network device initiating network communication with the configuration server, information identifying an account to be used in configuration of the network appliance, is included upon initiation of the communication. Applicant therefore believes that the independent claims as herein amended and argued above by applicant, are now clearly and unarguably patentable over the prior art presented by the Examiner, and that the specification as amended adequately describes in enabling detail all of the limitations and capabilities embodied in the claims as amended. Depending claims 2-4, 6-7 and 9-10 are then patentable on their own merits as amended herein or in their original form, or at least as depended from a patentable claim.

As all of the claims standing for examination have been shown to be patentable as amended over the art of record, applicant respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any extensions of time required beyond an extension specifically petitioned and paid with this response, such extensions are hereby requested. If there are any fees due beyond any fees paid by check with this response, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,

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